IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1924 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02//11//2004 in WP NO : 9132 OF 2004 on the file of the High Court.)

Between:

Bharat Petroleum Corporation Limited, Warangal Territory,
rep by its Territory Manager (Retail) Goods Shed Road, Warangal.

..... APPELLANT

AND

1 Bakam Ramachandra Rao, S/o. Sammaiah,
Resident of D.No. 8-3-313/2 Saptagiri Colony, Karimnagar, Karimnagar District.
2 The District Collector, Adilabad.
3 The Mandal Revenue Officer, Bellampally Mandal, Adilabad District.

.....RESPONDENTS

Counsel for the Appellant:MR. O.MANOHAER REDDY

Counsel for the Respondent No.1: D.BHASKAR REDDY

Counsel for the Respondents 2 and 3: GP FOR REVENUE

The Court made the following :

JUDGMENT: (per BRSR,J)

The cause in this writ appeal does not survive requiring any further adjudication, as such, since it is brought to our notice that after the order passed by the learned Single Judge directing the Mandal Revenue Officer to make a fresh enquiry, the Mandal Revenue Officer having made an enquiry, passed an order of resumption under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of transfers) Act, 1977 against the 1st respondent-writ petitioner. The 1st respondent-writ petitioner is stated to have preferred an appeal before the Revenue Divisional Officer and the same is now pending consideration by the Revenue Divisional Officer.

The appellant herein is the lessee of the very same land. The lease deed has been obtained by the appellant herein from the 1st respondent-writ petitioner. Against the same, now, an order of resumption has been passed by the Mandal Revenue Officer.

Sri O.Manohar Reddy, learned counsel for the appellant, submits that the appellant herein having obtained the lease of the land in question from the 1st respondent-writ petitioner, made huge investments and in fact, commenced the business and dealing with the petroleum products. Learned counsel submits that the interest of justice requires that the appellant must be allowed to continue its business until the proceedings are finally terminated. Learned counsel further states that the appellant herein is ready and willing to deposit the lease amount to the District Collector instead of paying it to the 1st respondent-writ petitioner in order to enable the appellant to carry on its business.

The short question that falls for consideration in this writ appeal is whether the order under appeal passed by the learned Single Judge suffers from any infirmities.

That question is not required to be gone into by this Court for the simple reason that the order passed by the learned Single Judge has worked out itself, since the Mandal Revenue Officer had already passed an order of resumption after disposal of the writ petition. Whether the order of resumption suffers from any infirmities is required to be gone into by the appellate authority, as it is stated by the learned counsel for the first respondent-writ petitioner that an appeal has already been filed against the order of resumption. None of the contentions urged by the learned counsel for the appellant require to be examined in this proceedings. The remedy of appellant is left open, and if the appellant avails any such remedy, the same may have to be considered on its own merits uninfluenced by dismissal of this writ appeal.

This writ appeal is dismissed on the simple ground that the cause, as such, does not survive requiring any further adjudication. No costs.

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(B.SUDERSHAN REDDY,J)

Dated:01.02.2005

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(C.V.RAMULU,J)

GJ

To

1 The District Collector, Adilabad.
2 The Mandal Revenue Officer, Bellampally Mandal, Adilabad District.

3 Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (OUT)

4 Two C.D. copies.